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From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:  
WOLF, GREENFIELD & SACKS, P.C.  
Attn. Morris, James H.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
UNITED STATES OF AMERICA

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

Applicant's or agent's file reference B1075.700320000		Date of mailing (day/month/year) 22/04/2004
International application No. PCT/US 03/34828		PAYMENT DUE within 45 <del>xxxx</del> days from the above date of mailing
Applicant C.R. BARD, INC.		International filing date (day/month/year) 31/10/2003

1. This International Searching Authority

- (i) considers that there are 6 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

DOCKETED

APR 28 2004

Confirmation of unity of invention	Initials
Docketing	<input checked="" type="checkbox"/> <i>jud</i>
6-6-04	
6-22-04	

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:  
see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid


2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 945,00 x 5 = EUR 4.725,00  
Fee per additional invention number of additional inventions total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☒ Claim(s) Nos. see annex have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Eva San Miguel
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1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- 1-15
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01 37723 A (BOSTON SCIENT LTD) 31 May 2001 (2001-05-31)	1,2,4,5, 7-10,14, 15
Y	page 9, line 11 -page 23, line 19; figures ---	3
Y	DE 38 19 372 C (ZEIHER ANDREAS) 4 January 1990 (1990-01-04) column 2, line 13-22 column 3, line 28 -column 4, line 42; figures 4-8 ---	3
X	US 2001/039413 A1 (BOWE WADE A) 8 November 2001 (2001-11-08)	1,5,6, 12,14,15
A	paragraphs '0041!,'0046!-'0068!; figures ---	2-4, 8-11,13
X	US 5 931 811 A (HAISSAGUERRE MICHEL ET AL) 3 August 1999 (1999-08-03) column 2, line 66 -column 3, line 67; figures 1-3 ---	1,13,14
P,X	WO 02 094334 A (MEDTRONIC INC) 28 November 2002 (2002-11-28) page 15, paragraph 3 -page 20, paragraph 2; figures 1-8 -----	1-6, 8-11,13

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-15

Electrophysiology catheter comprising a tip assembly being attached to a shaft, wherein the tip assembly includes a superelastic wire to bias the tip assembly in a first orientation

2. Claims: 16-43

Electrophysiology catheter comprising a tip assembly being attached to a shaft, wherein the tip assembly includes an adhesive cured in a configuration to bias the tip assembly in a first orientation

3. Claims: 49-57

Electrophysiology catheter comprising a biased tip assembly being attached to a shaft, and means for conducting a fluid

4. Claims: 58-62

Electrophysiology catheter comprising a biased tip assembly being attached to a shaft, wherein the tip assembly includes a plurality of position sensors

5. Claims: 71-73

Electrophysiology catheter comprising a biased tip assembly being attached to a shaft, wherein the tip assembly includes a movable electrode assembly

6. Claims: 74-101

Shaft /electrophysiology catheter comprising a channel formed of a superelastic material and shaped to bias a portion of the catheter in a first orientation

An electrophysiology catheter comprising the features of claim 1 is already known from the prior art, see WO-A-01 37723. There is thus no special technical feature in the sense of Rule 13.2 PCT to link together the independent claims 1, 16, 49, 58, 71, 74 and 95, so that the requisite unity of invention (Rule 13.1 PCT) is lacking.

The application relates to a plurality of inventions, or groups of inventions, in the sense of Rule 13.1 PCT. They have been divided as defined above. If the applicant pays additional fees for one (or more) not yet searched group(s) of invention(s), then the further search(es) may reveal further prior art that gives evidence of a further lack of unity 'a posteriori' within one (or more) of the not yet searched group(s). In such a case only the first invention in this (each of these) group(s) of inventions, which is considered to lack unity of

invention, will be the subject of a search.

No further invitation to pay further additional fees will be issued. This is because Article 17(3)(a) PCT stipulates that the ISA shall establish the International Search Report on those parts of the international application which relate to the invention first mentioned in the claims ('main invention') and for those parts which relate to inventions in respect of which the additional fees were paid. Neither the PCT nor the PCT guidelines provide a legal basis for further invitations to pay further additional search fees (W17/00, point 11 and W1/97, points 11-16).

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 206**

Continuation of Box 3.

Claims Nos.: 44-48,63-70

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery and therapy

# Patent Family Annex

Information on patent family members

International Application No

PCT/US 03/34828

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0137723	A	31-05-2001	US 6613046 B1	02-09-2003
			US 6542781 B1	01-04-2003
			CA 2391488 A1	31-05-2001
			WO 0137723 A2	31-05-2001
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			US 2002004644 A1	10-01-2002
DE 3819372	C	04-01-1990	DE 3819372 C1	04-01-1990
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			US 6096036 A	01-08-2000
			CA 2320795 A1	11-11-1999
			EP 1076578 A1	21-02-2001
			JP 2002513650 T	14-05-2002
			US 2002122236 A1	05-09-2002
			WO 9956810 A1	11-11-1999
			US 2002033989 A1	21-03-2002
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			EP 0839547 A1	06-05-1998
			JP 3066827 B2	17-07-2000
			JP 10179759 A	07-07-1998
WO 02094334	A	28-11-2002	EP 1395306 A1	10-03-2004
			WO 02094334 A1	28-11-2002
			US 2003009095 A1	09-01-2003